

DOCKET NO: 245902US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
AYAKO KOBAYASHI : EXAMINER: NGUYEN, ALLEN H.
SERIAL NO: 10/723,603 :
FILED: NOVEMBER 26, 2003 : GROUP ART UNIT: 2625
FOR: IMAGE FORMING :
APPARATUS THAT CHECKS
HARDWARE RESOURCES BEFORE
ACTIVATING HARDWARE-
RELATED PROGRAMS

PROVISIONAL ELECTION OF SPECIES

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species Requirement dated April 4, 2008,
Applicant provisionally elects with traverse Species I, and lists Claims 1-24 as
readable thereon.

Applicant traverses the outstanding requirement as the outstanding
requirement has not established that an undue burden would be required if the
requirement was not issued and if all the claims were examined together. More
particularly, MPEP §803 states:

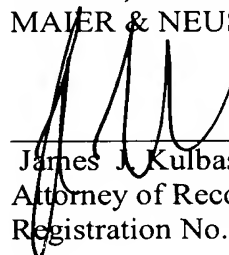
If the search and examination of an entire application can be made
without serious burden, the Examiner must examine it on the merits,
even though it includes claims to independent or distinct inventions.

In the present application no undue burden has been established if each of the
claims were examined together.

Therefore, Applicant respectfully requests that the requirement to elect a single disclosed species be reconsidered and withdrawn,¹ and that a full examination on the merits of Claims 1-68 be conducted.

Respectfully submitted,

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¹ See MPEP 821.01.